

PATENT
DOCKET NO. RD8345USNA**REMARKS****I. Claim Amendments**

Claim 1 has been amended. Support for amended Claim 1 is found at least on page 5 of the specification as originally filed. No new matter is added by way of this amendment.

II. Rejection under 35 U.S.C. 112

Claim 1 stand rejected under 35 U.S.C. 112 (second paragraph) as being indefinite and a claim of the omnibus type. As currently amended, deleted from Claim 1 is the phrase ", ...determined as hereinbefore described,..." The Applicant's enablement of the test method for air permeability measurement in the claims relies upon the disclosure in the specification on page 5 in reference to method BS EN ISO 9237: 1995.

III. Rejection under 35 U.S.C. 102

Claims 1-3 and 8-9 stand rejected under 35 U.S.C. 102(b) as anticipated by Shinjou et al. (US 4,728,394). Claim 1 (currently amended) now recites a single thickness fabric comprising synthetic bicomponent filaments, wherein the fabric has been calendered on at least one surface thereof and the fabric has an air permeability of less than 6 cubic centimeters persecond persquare centimeter measured at a static pressure of 10 millimeters of water. The definition of the term "single thickness" is found in the specification as filed and refers to a single woven textile filaments. The Applicant's fabric consists substantially of a single thickness of the fabric and is generally used as a single thickness article or garment. By contrast the disclosures of Shinjou et al. are limited to a nonwoven fabrics comprising staple fibers wherein these nonwoven fabrics are bonded with another nonwoven fabric to form at least two layer of laminates of low air permeability. As such, the disclosures of Shinjou et al. are not anticipating of the Applicant's Claim 1 as currently amended or claims 2-3 and 8-9 which depend from the amended Claim 1.

IV. Rejection under 35 U.S.C. 102/103

Claims 1-6 and 8-9 stand rejected under 35 U.S.C. 102(e) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as being obvious over Nakajima et al. (US 6,207,600). The Applicant's Claim 1 (currently amended) now recites a single thickness fabric comprising synthetic bicomponent filaments, wherein the fabric has been calendered on at least one surface thereof and the fabric has an air permeability of less than 6 cubic centimeters persecond persquare centimeter. ($\text{cm}^3/\text{cm}^2/\text{sec}$), measured at a static pressure of 10 millimeters of water. The disclosures of Nakajima et al. do not wholly disclose the Applicant's inventions as claimed. The only calendered fabrics known from the disclosures of Nakajima et al. are nonwovens which are not equivalent to the single thickness fabric comprising synthetic bicomponent filaments of the Applicant's invention. The calendered nonwovens of Nakajima et al. cannot be compared directly with the calendered fabrics of the instant invention since Nakajima et al. is silent on the calender process and apparatus. The Applicant's example of the invention enables the calender conditions through disclosure of the calendering temperature, the calendering pressure in the nip and the speed at which the fabric is processed through the calender. Knowing these conditions about the Applicant's invention allows the skilled person to reproduce the air permeability characteristics obtained for the fabrics of the invention. As such, no conclusions could be drawn by the skilled person about the air permeability of the calendered nonwoven fabrics disclosed by the applied reference (Nakajima et al.).

The Applicants respectfully submit Claim 1 (currently amended), and claims 2-3 and 8-9 which depend from Claim 1 are novel and nonobvious in view of the Nakajima et al. for the foregoing reasons.

V. Rejection under 35 U.S.C. 103

Claims 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al. in view of JP 05 148703. Amended Claim 1 recites single thickness fabric comprising synthetic bicomponent filaments, wherein the fabric has been calendered on at least one surface thereof and the fabric has an air permeability, determined as hereinbefore described, of less than 6 cubic centimeters persecond persquare centimeter. ($\text{cm}^3/\text{cm}^2/\text{sec}$), measured at a static pressure of 10 millimeters of water. Since the only calendered fabrics known from the disclosures of Nakajima et al. are nonwovens not equivalent to the single thickness fabrics comprising the Applicant's invention, the combination of Nakajima et al. with JP 05 148703 is no incentive. The UV absorptive sheath-core filaments disclosed in JP 05 148703 are limited to uses in tape-like products which are combined in multiple layers and sewn into clothing. Fundamentally, the UV absorber filament based tape-like products disclosed in JP 05 148703 are not equivalent to single thickness fabric of the Applicant's invention.

The Applicants respectfully submit Claim 7 which depends from Claim 1 (currently amended) is nonobvious in view of JP 05 148703 and Nakajima et al. for the foregoing reasons.

PATENT
DOCKET NO. RD8345USNA**CONCLUSION**


This was meant to be a complete reply. The Applicant respectfully submits that each and every rejection is overcome and maintains that claims are in condition for allowance.

The Applicant respectfully requests the Examiner's issuance of a Notice of Allowance.

Should the Examiner have questions, the Applicant's representative would welcome an opportunity to discuss any questions.

Dated: May 11, 2005

Respectfully submitted,



Robert B. Furr, Jr.
Attorney for Applicants
Registration No. 32,985
(302) 683-3316
(302) 683-3473